

served even if the complaint is received at a prior date).

3. Defendant is, contemporaneously with the filing of this Notice, giving written notice of filing of this Notice of Removal to the clerk of the 382nd Judicial District Court of Rockwall County, Texas, and will serve a copy of the Notice of Removal on Plaintiff.

4. In accordance with Local Rule 81.1, attached collectively as Exhibit “A” are all materials filed in the state court. Defendant has also filed contemporaneously with this Notice a civil cover sheet, a supplemental civil cover sheet, and a separately signed certificate of interested persons and disclosure statement that complies with Local Rule 3.1(c) and Rule 7.1 of the Federal Rules of Civil Procedure.

GROUND FOR REMOVAL: DIVERSITY

5. This Court has original jurisdiction over this case under 28 U.S.C. § 1332 because this is a civil action between citizens of different States where the matter in controversy exceeds \$75,000.

(a) The amount in controversy exceeds the federal minimum jurisdictional requirements.

6. Plaintiff is “seeking monetary relief over \$200,000 but not more than \$1,000,000.” *See* Ex. A-2 at ¶ 74. Accordingly, the amount in controversy meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs.

(b) Complete diversity between Plaintiff and Defendant exists.

7. The citizenship of a limited partnership is determined by the citizenship of all its partners. *Carden v. Arkoma Associates* 110 S. Ct. 1015, 1021. Plaintiff’s general partner is Rockwall RMKP Management, LLC, a Texas limited liability company. The citizenship of a limited liability company is determined by the citizenship of its members. *Harvey v. Grey Wolf Drilling Co.*, 542 F.3d 1077, 1080 (5th Cir. 2008). On information and belief, Plaintiff’s limited

partners and the members of Rockwall RMKP Management, LLC are individual resident citizens of Texas. Accordingly, Plaintiff is a citizen of Texas.

8. Defendant is a Lloyd's plan insurance association and is an unincorporated association. For purposes of diversity jurisdiction, the citizenship of a Lloyd's plan insurance association is determined by the citizenship of its underwriters. *Royal Ins. Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882-83 (5th Cir. 1993); *see also State Farm Lloyds v. Peed*, No. CIV.A. 3:00CV1696-BC, 2001 WL 513427 (N.D. Tex. May 9, 2001) ("For purposes of diversity jurisdiction, a Lloyds Plan insurer is considered an 'unincorporated association' whose citizenship is determined solely by the citizenship of its underwriters.").

9. The following individuals are the underwriters of Travelers and each of them resides in and is a citizen of the State of Connecticut:

- a. John J. Albano
- b. James W. Chapman
- c. Charles J. Clarke
- d. Brian J. Hoffman
- e. Ronald E. Izumi
- f. Bruce R. Jones
- g. James J. Kelly
- h. James B. McGinn
- i. Bernard A. Pelletier
- j. Richard D. Schug
- k. Richard A. Waskiewicz
- l. David E. Woodworth

10. No underwriter of Travelers Lloyds resides in or is a citizen of the State of Texas.

11. Because the amount in controversy exceeds \$75,000 and Plaintiff is a citizen of Texas while Defendant is not, this Court has original jurisdiction over the present action pursuant to 28 U.S.C. § 1332. Removal is therefore proper.

WHEREFORE, Defendant prays that the above-described action now pending in the 382nd Judicial District Court of Rockwall County, Texas be removed to this Court.

Respectfully submitted,

/s/ Wm. Lance Lewis

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this instrument has been furnished to counsel of record as provided below, via ECF, in accordance with the Federal Rules of Civil Procedure, this 14th day of March, 2016:

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/s/ Wm. Lance Lewis

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